HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 3132(S/S)2001

Bhagwan Singh S/o Sri Bachche Singh,
Resident of village Nayal, P.O. Salia,
District Pithoragarh. ----Petitioner.

Versus

1. Regional Ayurvedic and Unani Officer,
   Pithoragarh,
2. State of Uttar Pradesh, through Secretary,
   Medical Health & Family Welfare, Civil Secretariate,
   Lucknow.
3. Director, Ayurdedic & Unani,
   Lucknow, U.P. ----Respondents.

Sri Rejendra Dobhal, learned counsel for the petitioner.
Learned Standing Counsel for the State of Uttaranchal/respondent no. 1.
And Smt. Beena Pandey, learned Standing Counsel for respondent no. 2 & 3.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rejendra Dobhal, learned counsel for the petitioner, learned Standing Counsel for the State of Uttaranchal/ respondent no. 1 and Smt. Beena Pandey, learned Standing Counsel for State of U.P.

2. This writ petition has been filed by the petitioner for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondent to consider the services rendered by the petitioner w.e.f. 21.04.1958 to 31.12.1969 on the post of Ward Boy in Govt. Ayurvedic Hospital in district Pithoragarh for giving pensionery benefit to the petitioner.

ii. Pass any other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

iii. Award cost of the writ petition to the petitioner.

3. Counsel for the parties have submitted that the writ petitioner may be disposed of at this stage itself.

4. No counter affidavit is filed on behalf of the respondents.

5. Counsel for the petitioner has submitted that the petitioner was appointed as Ward boy in Govt. Ayurvedic Hospital, Ganai Gangoli, district Almora (now in district Pithoragarh) on 21.04.1958 and he continuously worked on the said post upto 31.12.1969 i.e. the date on which the services of the petitioner were terminated on the ground that his services were no longer required to the Department. Again on 18.08.1972, the petitioner was appointed as Ward Boy in Ayurvedic Hospital, Banspatan, Tehsil Cahgolihat, District Pithoragarh. The petitioner retired from services on 31.07.2000. Counsel for the petitioner has vehemently argued that the period from 21.04.1958 to 31.12.1969, during which the petitioner had worked as Ward Boy with the respondents' establishment, may be counted for the purposes of pensionary benefits to the petitioner.

6. In this behalf, the petitioner has already made representation to the respondent no. 3 i.e. the Director, Ayurvedic and Unani Chikitsa, U.P. Lucknow on 07.08.1999, which is annexed as annexure no. 2 to the writ petition. Learned counsel for the petitioner has submitted that the respondent no.

3 be directed to decide the representation of the petitioner within a particular period prescribed by the Court.

7. The prayer is innocuous.

8. In the circumstances, I think it just and proper to direct the respondent no. 3 to take decision on the representation of the petitioner dated 07.08.1999, annexure no. 2 to the writ petition, within a period of six weeks, from the date of production of a certified copy of this order.

9. With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 12, 2006:
NCM: